



The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago Commissioners Marisel A. Hernandez, June A. Brown, and Laura Kotelman, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of DAVID LOTTICH, MIGDALIA TEVENAL, and JOSEPH CASTILLO (“Objectors”) to the petition for referendum to be voted upon by the voters of the 14th Precinct of the 7th Ward of the City of Chicago (“Petition”) of SOUTHSIDE TOGETHER and SANYA BHARTIYA, (“Principal Proponents”) at the General Primary Election to be held on Tuesday, March 17, 2026, having convened on December 30, 2025, at 9:30 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Petition in the above-entitled matter, finds that:

1. Objections to the Petitions for referendum of the Principal Proponents were duly and timely filed.
2. The Electoral Board was constituted according to the laws of the State of Illinois.
3. A Call to the hearings on said Objections was duly issued by the Chair of the Electoral Board and served upon the members of the Electoral Board, the Objector, and the Principal Proponents, by registered or certified mail and by Sheriff’s service, as provided by statute, or statutory service was waived and service by email was authorized.
4. A public hearing held on these Objections commenced on December 30, 2025, and was continued from time to time.
5. The Electoral Board consolidated the three cases and assigned these matters to Hearing Officer Barbara Goodman for further hearings and proceedings.

6. The Objectors and the Principal Proponents were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. Appearances were filed by or on behalf of the following persons: the Objectors, DAVID LOTTICH, MIGDALIA TEVENAL and JOSEPH CASTILLO, by Attorney SCOTT B. ERDMAN; and the Principal Proponents, SOUTHSIDE TOGETHER and SANYA BHARTIYA, by Attorney ED MULLEN.

7. The Hearing Officer has tendered to the Electoral Board a final Report and Recommended Decision. Based upon the evidence presented, the Hearing Officer found that each referendum Petition contains two distinct questions, which violates the Election Code requirement set forth in 10 ILCS 5/28-3 that a referendum petition must contain only a single proposition. As stated by the Hearing Officer, "There are two distinct questions contained therein – the first question is whether certain individuals ... should stop development [of the subject property]. As the Proponents have pointed out, that question requires a simple yes or no answer and, according to Proponents, that is what a yes answer means **-development stops**. However, the very next part of the question goes on to explain what a yes answer actually means to the foregoing question, and, interestingly, it is not what Proponents argue. According to the second paragraph of the question, **a yes answer actually means that a voter is selecting numerous alternatives for development of the property** which is a wholly separate question that also requires a yes or no answer. The fact that the questions are related to the same property does not automatically mean that they are addressing the same topic."

8. The Electoral Board agrees with this analysis by the Hearing Officer, except to the extent that the Petitions appear to contain a single paragraph with multiple sentences. The Electoral Board therefore rejects the Hearing Officer's finding that there are multiple paragraphs

on each petition. However, looking beyond that detail, the Electoral Board further finds that the second sentence of the propositions cannot be construed as merely superfluous explanatory language because it entirely changes the meaning and the scope of the propositions as set forth in the first sentence, and it results in two separate propositions combined into one referendum question. If, as argued by the Proponents, this proposition contains a single question about stopping development on the subject property, then it is inappropriate for the second sentence to then define the meaning and scope of the question to also include voters selecting numerous alternatives for development of the property. That results in unlawfully compound, bifurcated questions, even though there is only one question mark within the proposition language. The referendum petitions at issue clearly contain two distinct questions – shall development be stopped on the subject property, *and* shall numerous alternatives for development of the property also be selected?

9. Rather than containing the single topic of stopping development at the subject property, as argued by the Proponents, the substance of the proposition contains numerous compounded subjects, including but not necessarily limited to:

- A. stopping the identified development at the property;
- B. properly remediating the contaminated land (without identifying what it means to “properly” remediate contamination);
- C. developing resident-focused, resident-controlled usage of the site;
- D. developing grocery stores on the property;
- E. developing undefined “truly accessible housing” on the property;
- F. developing youth centers on the property; and

G. establishing an undefined “community oversight” for the development of the property.

10. This kind of proposition is prohibited under Section 28-3 of the Election Code, and, as further noted by the Hearing Officer, under Article 3, Section 3, of the Illinois Constitution. As cited by the Hearing Officer, the IICLE chapter on election law explains that advisory referenda “should be confined to one topic and should not contain alternative or bifurcated questions to avoid running afoul of the ‘free and equal’ election clause” of the Illinois Constitution. *See* Illinois Institute for Continuing Legal Education, Chap. 15, Sec. 15.13(2) (2024), citing *Thompson v. Conti*, 39 Ill.2d 160, 233 N.E.2d 351 (1968).

11. The Electoral Board finds further guidance from the Cook County Circuit Court’s affirmation of a 1994 decision entered by the Cook County Officers Electoral Board. In *Lehman v. County of Cook*, No. 94-C900033 (Cook Cty. Cir., Feb. 3, 1994), the electoral board ruled, and the circuit court affirmed, that the following advisory referendum proposition was unlawfully compound and was therefore not entitled to be printed on the ballot: **“Shall the Office of the Regional Superintendent of Schools be terminated in Cook County and the duplicate services be transferred to the State Board of Education, thereby saving the Cook County property taxpayers over \$2 million per year which could be spent in the classroom for our school children?”**

12. Much like in the case at hand, the *Lehman* referendum appeared typographically to be only one question, with only one question mark, yet the language included within the proposition text on the referendum petition contained at least two separate and distinct propositions: (1) Shall the office of Regional Superintendent of Schools be terminated; and (2) Shall the related services be transferred to the State Board of Education. The *Lehman* proposition

may have involved only a single underlying subject – that of the office of Regional Superintendent of Schools – yet the referendum contained two separate and compounded topics – both the termination of the office *and* the transfer of its services. Due to the compound nature of the dual-subject referendum, the circuit court affirmed the electoral board’s ruling that the proposition violated Section 28-3 of the Election Code and Article 3, Section 3, of the Illinois Constitution.

13. This Electoral Board finds that the referendum proposition that the *Lehman* court is quite similar to the proposition in the case at hand, which the Proponents may have attempted to draft as a single-topic referendum, but which clearly contains compounded issues unlawfully wrapped up in a single petition. For these reasons, the Electoral Board is persuaded by the Cook County electoral board, as affirmed by the circuit court, that such compound referendum questions are unlawful, and, therefore, the proposition in the case at hand is not qualified for the ballot.

14. For the reasons state above, the Hearing Officer has recommended to the Electoral Board that the Objections to the Petitions should be sustained and that the Petitions should be declared invalid.

15. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer’s report of recommended findings and conclusions of law, hereby adopts the Hearing Officer’s recommended findings and conclusions of law and incorporates them herein by this reference (except that the Electoral Board finds that the subject referenda petitions each contain only one paragraph of proposition language).

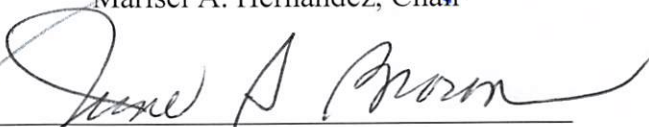
16. Thus, the Electoral Board sustains the Objections to the Petitions and finds that the Petitions are legally invalid.

IT IS THEREFORE ORDERED that the Objections of DAVID LOTTICH, MIGDALIA TEVENAL, and JOSEPH CASTILLO to the Petitions of SOUTHSIDE TOGETHER and SANYA BHARTIYA, for referenda in the 14th Precinct of the 7th Ward, the 2<sup>nd</sup> Precinct of the 10<sup>th</sup> Ward, and the 4<sup>th</sup> Precinct of the 10<sup>th</sup> Ward, respectively, of the City of Chicago, State of Illinois, are hereby SUSTAINED, said Petitions are hereby declared INVALID, and the Referenda SHALL NOT be printed on the official ballots for the General Primary Election to be held on Tuesday, March 17, 2026.

Dated: Chicago, Illinois, on Tuesday, January 13, 2026.



Marisel A. Hernandez, Chair



June A. Brown, Commissioner



Laura Kotelman, Commissioner

**NOTICE:** Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO

*AS THE DULY CONSTITUTED ELECTORAL BOARD*

Objections of: DAVID LOTTICH )  
To the: )  
Petition for referendum in the 14th Precinct of the ) No. 26-EB-QPP-001  
7th Ward of the City of Chicago, and SOUTHSIDE )  
TOGETHER and SANYA BHARTIYA as principal )  
Proponents )

Objections of: MIGDALIA TEVENAL )  
To the: )  
Petition for referendum in the 2nd Precinct of the ) No. 26-EB-QPP-002  
10th Ward of the City of Chicago, and SOUTHSIDE )  
TOGETHER and SANYA BHARTIYA as principal )  
Proponents )

Objections of: JOSEPH CASTILLO )  
To the: )  
Petition for referendum in the 4th Precinct of the ) No. 26-EB-QPP-003  
10th Ward of the City of Chicago, and SOUTHSIDE )  
TOGETHER and SANYA BHARTIYA as principal )  
Proponents )

**HEARING OFFICER'S REPORT AND RECOMMENDED DECISION**

This matter was first heard on December 30, 2025. Each of the cases presents the same issue and the parties are represented by the same respective attorneys. Accordingly, the cases were consolidated. The Objectors appeared through counsel Scott Erdman and the Proponents appeared through counsel Ed Mullen. The parties were given the opportunity to file preliminary motions. Proponents filed a *Motion to Dismiss (the Motion)*, the Objectors filed *Objectors' Response to Petitioners' Motion to Dismiss (the Response)* and the Proponents filed a *Reply In Support of Motion to Dismiss (the Reply)*. It was agreed by the parties that inasmuch as the objections presented legal issues only and there was no evidence to be presented, a hearing on

the motion would be dispositive. The matter was continued to January 7, 2026 for a hearing on the motion.

### **THE REFERENDUM QUESTION(S) AT ISSUE**

This matter involves a petition for an advisory referendum (the petition). The question(s) set forth in the petition is as follows:

**Because it will cause displacement, pollution, and higher energy bills in our neighborhood, was proposed without community consent despite costing billions of taxpayer dollars, and will be a public health and safety hazard, should our Alderman Peter Chico, Mayor Brandon Johnson, and Governor JB Pritzker stop the development of the Illinois Quantum Microelectronics Park on the former South Works site?**

**Vote yes if they should instead commit to properly remediating the contaminated land on the former South Works site and developing resident-focused, resident-controlled usage of the site such as grocery stores, truly accessible housing, and youth center that create job opportunities for residents with community oversight.**

The petition also requests that the question be placed on the ballot at the March 17, 2026 *Municipal Primary Election* rather than the General Primary Election.

### **THE OBJECTIONS**

The Objectors allege that there is no Municipal Primary Election to be held on March 17, 2026 and thus the wrong election has been named. They next allege that the petition sets forth more than one question and combines multiple factual premises into one question and further requests action from those without authority to take such action all of which is in violation of Section 28-3 of the Election Code. The Objectors also contend that the question is vague and ambiguous and violates Article III, Section 3 of the Illinois Constitution, which provides that "All elections shall be free and equal".

### **GOVERNING LAW**

Advisory questions are authorized by Section 28-1 of the Illinois Election Code. 10 ILCS 5/28-1 and the dates for submission are governed by Section 28-5 of the Illinois Election Code. 10- ILCS 5/28-5.

The general requirements relating to petitions for public questions are set forth, in pertinent part, in Section 28-3.

Form of petition for public question. Petitions for the submission of public questions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to the question of public policy to be submitted, and specifying the state at large or the political subdivision or district or precinct or combination of precincts or other territory in which it is to be submitted and, where by law the public question must be submitted at a particular election, the election at which it is to be submitted.

As the parties have already acknowledged, there is little in the way of additional statutory guidance in the Election Code and minimal existing case law.

### **"MISNAMING" THE ELECTION**

Objectors allege that the Proponents have misnamed the election and as a result the petitions violate Section 28-3 of the Election Code and are fatally defective. Proponents argue that they have substantially complied with the requirements of the Election Code and cite the case of *Rosa v Vittorio* 15-EB-ALD-005 (CBEC December 14, 2015). While the *Rosa* case does not wholly assist Proponents' position, cases cited therein make clear that misnaming an election, does not, in itself, invalidate a petition. See, e.g. this Board's decisions in *Brown v Mercado*, 07-EB-ALD-120, CBEC, January 16, 2007, *Strnad v Reboyras*, 07-EB-ALD-171, CBEC, January 16, 2007.

Objectors' argument that the petition combined two distinct elections, to wit: a Municipal Primary to be held in 2027 and a General Primary Election to be held in 2026 is unpersuasive. There is only one primary to be held on March 16, 2026, the date at which the Proponents' petition requests placement on the ballot. Accordingly, Proponents' motion as to the issue of the misnaming of the election should be granted.

### **MULTIPLE QUESTIONS**

There is no dispute between the parties that a referendum question must present a single question and must be capable of being answered either yes or no. Turning to the petition question here, Proponents allege that "the referendum here clearly asks whether voters believe that the named elected officials should stop the development for stated reasons, **and that is what the voters are indicating they agree or disagree with by their vote.** The voters are not asked whether one of the reasons stated or the alternatives listed are more important to them, or whether they have other reasons for voting yes or no on the question. **There is simply no ambiguity that a yes vote is telling the named elected officials to stop the development for the reasons stated.**" (Proponents' Motion to Dismiss, page 4, emphasis added).

However, a simple reading of what purports to be one question is wholly contrary to Proponents' assertions and contrary to the plain words of the question. There are two distinct questions contained therein – the first question is whether certain individuals (albeit individuals who may not have the authority to effectuate what is being asked as Objectors have pointed out) should stop development. As the Proponents have pointed out, that question requires a simple yes or no answer and, according to Proponents, that is what a yes answer means -**development stops**. However, the very next part of the

question goes on to explain what a yes answer actually means to the foregoing question, and interestingly, it is not what Proponents argue. According to the second paragraph of the question, **a yes answer actually means that a voter is selecting numerous alternatives for development of the property** which is a wholly separate question that also requires a yes or no answer. The fact that the questions are related to the same property does not automatically mean that they are addressing the same topic. Rather, one is asking for a vote on stopping development and the other is asking for a vote on development for numerous other purposes. Inasmuch as the referendum question as written contains two separate questions, it violates Section 28-3 of the Election Code and accordingly, it is my recommendation that the Motion to Dismiss as it relates to the multiple question issue be denied and that the Objectors' Petition as to the issue be sustained.

### **ARTICLE III, SECTION 3 OF THE ILLINOIS CONSITUTION**

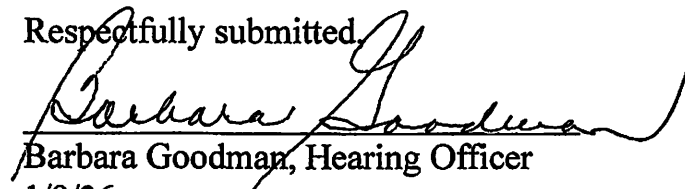
As evidenced by Proponents' own arguments, it is unclear what a yes vote actually means here. As the Objectors contend, the purported question is actually multiple questions all of which are vague and ambiguous. While there are few rules regarding the wording of an advisory referenda, it is clear that the referendum should not contain alternative or bifurcated questions. See Illinois Institute for Continuing Legal Education, Chapter 15, Section 5.13(2) (2024). While there appears to be no published appellate court decisions, an advisory question was removed from the ballot wherein it was argued that the question was compound, argumentative, speculative and vague, thus violating Article III, Section 3 of the Illinois. *Lehman v. County of Cook*, No. 94 C 00033 (Cook Cty.Cir. Feb. 3, 1994). While the basis for the removal in *Lehman* is not clear, the

case does support a finding that where a voter is not presented with a legitimate choice with the multiple questions such as the ones submitted here, the question is subject to removal from the ballot. Accordingly, it is my recommendation that the Proponents' motion as to this issue of the violation of Article III, Section 3 of the Illinois Constitution be denied and the Objectors' Petition as to this issue be sustained.

**RECOMMENDATION**

For the foregoing reasons, it is my recommendation that the Proponents' Motion to Dismiss be granted in part and denied in part. It is my further recommendation that the Objections of Objectors David Lotich, Migdalia Tevenal and Joseph Castillo be sustained and that the question of public policy not appear on the ballot at the March 17, 2026 General Primary Election.

Respectfully submitted,



Barbara Goodman, Hearing Officer  
1/9/26